

BEING A BY-LAW OF THE VILLAGE OF COUTTS IN THE PROVINCE OF ALBERTA, TO PREVENT AND COMPEL THE ABATEMENT OF ACTIVITIES CREATING NOISE IN THE VILLAGE OF COUTTS.

UNDER THE AUTHORITY AND SUBJECT TO the provisions of Section 160 of the Municipal Government Act, Revised Statutes of Alberta, 1980, and amendments thereto, provides that the Council of a Village may pass By-laws among other things for the purpose of prohibiting, eliminating or abating noise;

WHEREAS there is no previous authority for peace officers to enter upon private property for the purpose of investigating complaints relating to unnecessary disturbing noises.

NOW THEREFORE, the Municipal Council of the Village of Coutts, in the Province of Alberta, duly assembled, enacts as follows:

1. This By-law may be cited as "The Noise By-law".
2. In this By-law, including this section -
 - a. "Council" means the Council of the Village of Coutts.
 - b. "Village" means the Municipality of the Village of Coutts and the Area contained within its boundaries as the context requires.
 - c. "Nuisance" includes any conduct, act or omission which is injurious, harmful or dangerous to a person or the safety of a person, or which unduly or unreasonably interferes with the use or enjoyment of land or property.
 - d. "Peace Officer" means a member of the Royal Canadian Mounted Police, a Special Constable or any person authorized by Council to enforce the provisions of this By-law.
 - e. "Noise" includes any sound,
 - (i) which unduly or unreasonably interferes with the use or enjoyment of land or or property within the Village, or
 - (ii) which is injurious, harmful or dangerous to a person or the safety of a person,

PART I - GENERAL PROHIBITION.

3. Except as herein otherwise provided, no person shall make, cause, or allow to be caused noise which constitutes a nuisance on lands or premises within the Village of Coutts between the hours of 11:00 p.m. and 7:00 a.m.

4. Nothing in this By-law shall:

- a. Prevent or prohibit the operation or carrying on of an industrial activity, or the performance or carrying on thereof, in circumstances that such activity is carried on in a customary or normal method and no unnecessary noise is made, and in any area classed as an industrial district, where the activity is:
 - (i) a permitted use as defined in the Village of Coutts Land Use by-law for the district in which the use is carried on, or is a discretionary use for which the required permission has been granted pursuant to such By-law;
 - (ii) a non-conforming use as is defined in the Village Land Use by-law for the district in which the use is carried on, and permission has been granted pursuant to such by-law.
- b. Apply to employees or agents or authorized utility company, or contractors of the Village carrying out work authorized by the Village.

5. Except as may be provided herein, or in legislation of the Province of Alberta or Canada, any person engaged in any activity or operation which creates or makes a sound which is or may become or creates or produces or may create or produce a disturbance or danger to the health, safety or enjoyment or property of another, shall minimize noise as much as practicable under the circumstances.

PART II - POWERS OF PEACE OFFICERS:

6. Any persons thereunto authorized by the Council may enter any land, building or premises to inspect for conditions that may constitute a nuisance or contravene or fail to comply with the terms of this by-law.

PART III - Penalties:

7. Any person who contravenes any provision of this By-law is guilty of an offence punishable on summary conviction.
8. Any person guilty of a breach of the provisions of this By-law, shall upon conviction before a Justice of the Peace or other Officer having jurisdiction, be liable to the penalties under By-law No. 307, our General Penalty By-law of the Village of Coutts, being a By-law to provide for the enforcement of the by-laws of the Village of Coutts.
9. This by-law shall take effect on the day of the final passing thereof.

READ A FIRST & SECOND TIME this 11th day of October, A.D., 1994.

MAYOR

MUNICIPAL ADMINISTRATOR

READ A THIRD TIME AND FINALLY PASSED this 8th day of November, A.D., 1994.

MAYOR